

**CAUSE NO. DC-21-15001**

<b>ERICA AUSTIN</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>v.</b>	§	<b>298<sup>th</sup> JUDICIAL DISTRICT</b>
	§	
<b>WAL-MART STORES TEXAS, LLC F/K/A</b>	§	
<b>WAL-MART STORES TEXAS, LP D/B/A</b>	§	
<b>WAL-MART SUPERCENTER #3432; AND</b>	§	
<b>WALMART, INC.</b>	§	<b>DALLAS COUNTY, TEXAS</b>

**INDEX OF DOCUMENTS FILED IN STATE COURT**

1. Docket Sheet for Case No. DC-21-15001, printed on November 11, 2021;
2. Plaintiff's Original Petition, filed on October 11, 2021;
3. Enter Demand for Jury, paid on October 11, 2021;
4. Citation issued to Wal-Mart Stores Texas, LLC, dated October 19, 2021;
5. Citation issued to Wal-Mart, Inc., dated October 19, 2021;
6. Return of Service for Wal-Mart Stores Texas, LLC, dated October 26, 2021;
7. Return of Service for Wal-Mart, Inc., dated October 26, 2021;
8. Defendant's Original Answer, filed on November 15, 2021.

Respectfully submitted,



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**DAVID A. JOHNSON**

Texas Bar No. 24032598

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**COWLES & THOMPSON, P.C.**

901 Main Street, Suite 3900

Dallas, TX 75202

(214) 672-2000

(214) 672-2020 (Fax)

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 19th day of November 2021, a true and correct copy of the foregoing document was forwarded via the Court's CM/ECF e-filing/service system to the counsel of record for Plaintiff.



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**STEVEN J. MOSES**

FELICIA PITRE, DISTRICT CLERK  
**DOCKET SHEET**  
CASE NO. DC-21-15001

ERICA AUSTIN  
vs.  
WAL-MART STORES TEXAS, LLC, et al

§  
§  
§  
§









Location: 298th District Court  
Judicial Officer: TOBOLOWSKY, EMILY  
Filed on: 10/11/2021

CASE INFORMATION

Case Type: **PROPERTY**

PARTY INFORMATION

<b>PLAINTIFF</b>	AUSTIN, ERICA	<i>Lead Attorneys</i> <b>KASTL, KRISTINA N.</b> <i>Retained</i> 214-821-0230(W)
<b>DEFENDANT</b>	WAL-MART STORES TEXAS, LLC	<b>JOHNSON, DAVID AARON</b> <i>Retained</i> 214-672-2186(W)
	WALMART, INC.	<b>JOHNSON, DAVID AARON</b> <i>Retained</i> 214-672-2186(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
10/11/2021	NEW CASE FILED (OCA) - CIVIL	
10/11/2021	 ORIGINAL PETITION	
10/11/2021	 ISSUE CITATION	
10/11/2021	 JURY DEMAND Party: PLAINTIFF AUSTIN, ERICA	
10/19/2021	<b>CITATION</b>  WAL-MART STORES TEXAS, LLC Served: 10/25/2021 WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP D/B/A WAL-MART SUPERCENTER #3432	
10/19/2021	<b>CITATION</b>  WALMART, INC. Served: 10/25/2021 WALMART, INC.	
10/26/2021	 RETURN OF SERVICE AFFIDAVIT OF SERVICE - EXECUTED CITATION - WAL-MART INC	
10/26/2021	 RETURN OF SERVICE AFFIDAVIT OF SERVICE - EXECUTED CITATION - WAL-MART STORES TEXAS, LLC	
11/15/2021	 ORIGINAL ANSWER - GENERAL DENIAL Party: DEFENDANT WAL-MART STORES TEXAS, LLC; DEFENDANT WALMART, INC.	

DATE

FINANCIAL INFORMATION

FELICIA PETRE - DISTRICT CLERK

**DOCKET SHEET**

**CASE No. DC-21-15001**

	<b>PLAINTIFF AUSTIN, ERICA</b>		
	Total Charges		348.00
	Total Payments and Credits		348.00
	<b>Balance Due as of 11/19/2021</b>		<b>0.00</b>
10/13/2021	Charge	PLAINTIFF AUSTIN, ERICA	348.00
10/13/2021	CREDIT CARD - Receipt # 68654-2021-DCLK	PLAINTIFF AUSTIN, ERICA	(348.00)
	TEXFILE (DC)		

STATE OF TEXAS }  
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 19th day of November, A.D., 2021.

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By Cecelia Flower Deputy

Cecelia Flower

CAUSE NO. DC-21-15001

ERICA AUSTIN, <i>Plaintiff,</i>	§	IN THE DISTRICT COURT
	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
WAL-MART STORES TEXAS, LLC F/K/A	§	
WAL-MART STORES TEXAS, LP D/B/A	§	
WAL-MART SUPERCENTER #3432; AND	§	
WALMART, INC.,	§	298th
<i>Defendants.</i>	§	____ JUDICIAL DISTRICT

---

**PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES ERICA AUSTIN, hereinafter "Plaintiff," complaining of and about WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP D/B/A WAL-MART SUPERCENTER #3432, and WALMART, INC., hereinafter collectively "Defendants," and files this Plaintiff's Original Petition and Jury Demand, and in support thereof, would respectfully show unto the Court as follows:

**DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff brings this action under Texas Rule of Civil Procedure 47(c)(3) and seeks monetary relief over \$250,000 but not more than \$1,000,000. Plaintiff intends that discovery be conducted under Discovery Level 3.

**PARTIES AND SERVICE**

2. Plaintiff, **ERICA AUSTIN**, is an individual residing in Harris County, Texas. Pursuant to §30.014 of the Texas Civil Practice & Remedies Code, Plaintiff states that the last three numbers of Plaintiff's social security number are 035.



3. Defendant, **WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP D/B/A WAL-MART SUPERCENTER #3432**, is a foreign limited liability company doing business in the State of Texas and may be served with process by serving its registered agent: **C T Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136**, or wherever the agent may be found. **Issuance of a citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

4. Defendant, **WALMART, INC.**, is a foreign for-profit corporation doing business in the State of Texas and may be served with process by serving its registered agent: **C T Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136**, or wherever the agent may be found. **Issuance of a citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

#### **MISNOMER/ALTER EGO**

5. In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a “misidentification,” “misnomer,” and/or such parties are/were “alter egos” of parties named herein. Alternatively, Plaintiff contends that such “corporate veils” should be pierced to hold such parties properly included in the interest of justice.

#### **JURISDICTION AND VENUE**

6. The subject matter in controversy is within the jurisdictional limits of this Court.

7. This Court has jurisdiction over the parties, because said Defendants purposefully availed themselves of the privilege of conducting activities in the State of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendants, and the assumption of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

8. Further, as required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages, harms and losses sought are in an amount within the jurisdictional limits of this Court. Plaintiff is required by Rule 47(c), Texas Rules of Civil Procedure to state the amount of damages, in dollar amount, that represent Plaintiff's harms and losses due to the negligence of the Defendants. The legislative history of this requirement indicates that it is for record keeping and statistical purposes only for lawsuits filed in the State of Texas. Plaintiff's counsel states that Plaintiff seeks monetary relief, the maximum of which harms, losses and damages to Plaintiff is over \$250,000 but not more than \$1,000,000. The amount of monetary relief actually assessed by the jury or judge, however, will ultimately be determined by a jury or judge after hearing all of the evidence of harms, damages and losses. Plaintiff also seeks pre-judgment and post-judgment interest at the highest legal rate as well as exemplary damages.

9. Venue in Dallas County is proper under Texas Civil Practice and Remedies Code § 15.002 because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

### **FACTS**

10. On or about October 16, 2019, Plaintiff ERICA AUSTIN (hereafter "Plaintiff") was an Invitee on property owned and/or controlled by the Defendants WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP D/B/A WAL-MART SUPERCENTER #3432, and/or WALMART, INC. (hereafter collectively "Defendants"), and located at 951 W. Belt Line Road, DeSoto, Dallas County, Texas 75115.

11. On said occasion, Plaintiff, while shopping, stopped at the jewelry counter needing assistance to get an item in that area of the store. After getting assistance at the jewelry counter, Defendants' employees, agents and/or representatives pointed Plaintiff to the direction of the



check-out area and registers so that she could pay for her purchase.

12. As Plaintiff walked toward the check-out area or registers as pointed out by the Defendants' agents, employees and/or representatives, she slipped and fell.

13. As Plaintiff was falling on the ground, her left knee made a loud sound to the extent that an unknown witness who was an employee of Defendants asked Plaintiff if the sound had come from her body to which Plaintiff replied affirmatively.

14. Once Plaintiff landed on the ground after the hard fall, her hands felt a slimy wet opaque or clear substance on the floor, and which Plaintiff thought it appeared to have been shampoo or liquid soap.

15. There were no caution signs around the area nor were there any employees cleaning up the area, or any other indication to Plaintiff to warn her of the condition on the premises she was walking through on said occasion.

16. Plaintiff suffered from a severe left knee injury, pain in her shoulder, pain throughout her body from the fall, and bruises and contusions. Plaintiff had to have surgery on her left knee and extensive medical treatment in relation to her bodily injuries as well as suffering damages.

17. Defendants' failure to warn and/or to timely remedy the hazardous condition of the slimy wet opaque or clear substance on the floor was the proximate cause of the Plaintiff's injuries and damages.

#### **CAUSES OF ACTION**

18. Defendants, **WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP D/B/A WAL-MART SUPERCENTER #3432, and/or WALMART, INC.**, as owners, operators and/or managers of the premises in question, and by and through their

employees and/or actual, apparent, ostensible or estoppel agents and/or representatives, at all times material hereto, owed a duty to act as a reasonable and prudent property owner, operator and/or management company would have done under the same or similar circumstances. Defendants were negligent and such negligence is the proximate cause of Plaintiff's injuries and damages.

19. Defendants breached their duties by, among other acts and/or omissions, as follows:

- a. Creating a condition on the premises which posed an unreasonable risk of harm to individuals such as Plaintiff;
- b. Permitting an unreasonably dangerous condition which Defendants knew, or in the exercise of ordinary care should have known about, to exist on the premises in areas which Defendants knew that persons such as Plaintiff are likely to suddenly and unexpectedly encounter without warning and that constitute a hazard and risk of personal injury;
- c. In choosing not to conduct reasonable inspections of the Defendants' premises in order to discover the condition on the premises which posed an unreasonable risk of harm to individuals such as Plaintiff;
- d. In choosing not to warn Plaintiff of the condition on the premises which posed an unreasonable risk of harm to individuals such as Plaintiff;
- e. In choosing not to make safe a condition on the premises which Defendants knew, or in the exercise of ordinary care should have known, posed an unreasonable risk of harm to individuals such as Plaintiff; and,
- f. In choosing not to timely and properly remedy the condition so as to prevent harm or injury to others such as Plaintiff.

20. At the time of the occurrence which makes the basis of this lawsuit, Defendants were the owners, operators, and/or the managers of the premises located at 951 W. Belt Line Road, DeSoto, Dallas County, Texas 75115.

21. Plaintiff was at and/or on Defendants' premises with Defendants' knowledge and for their mutual benefit.

22. A condition on Defendants' premises posed an unreasonable risk of harm. The slimy wet opaque or clear substance on the floor on the Defendants' premises created a dangerous



and hazardous condition proximately causing the occurrence in question.

23. Defendants knew or reasonably should have known of the dangerous condition existing on the premises in question.

24. Defendants had a duty to use ordinary care to ensure that the premises did not present a danger to Plaintiff. This duty included the duty to inspect and the duty to warn or to cure. Defendants breached the duty of ordinary care by choosing not to remedy the unsafe condition of the slimy wet opaque or clear substance on the floor on Defendants' premise.

25. Defendants were also negligent in the hiring, supervision, training, and retaining its employees who cause and/or fail to remedy the unreasonably dangerous condition.

26. Plaintiff will show that Defendants failed to exercise ordinary care in performing such duty. The acts and/or omissions of Defendants described above by which Defendants breached such duties constitutes a proximate cause of Plaintiff's damages described more fully below, for which Defendants are liable to Plaintiff.

27. Each of such acts and/or omissions, singularly or in combination with others, are a proximate cause of the occurrence and damages sustained by Plaintiff, for which Plaintiff prays judgment of this Court in an amount within the jurisdictional limits of this Court.

#### **RESPONDEAT SUPERIOR LIABILITY**

28. The employees, and/or actual, apparent, ostensible or estoppel agents and/or representatives of Defendants **WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP D/B/A WAL-MART SUPERCENTER #3432, and/or WALMART, INC.,** were acting as employees and were in the course and scope of their respective employment and were within Defendants' general authority, in furtherance of Defendants' business, and for the accomplishment of the object for which Defendants' employees were hired. Defendants are

therefore liable under the theory of *Respondeat Superior*. Therefore, Defendants are liable to Plaintiff for the damages proximately caused by the acts and omissions of its employees, and/or actual, apparent, ostensible or estoppel agents and/or representatives.

#### **DAMAGES**

29. As a direct and proximate result of the breach of duty, negligent acts and/or omissions of Defendants, set forth herein above, Plaintiff suffered serious bodily injury and damages, and to incur the following damages:

- A. Medical care expenses sustained in the past;
- B. Medical care expenses that, in reasonable probability, Plaintiff will sustain in the future;
- C. Physical pain and mental anguish sustained in the past;
- D. Physical pain and mental anguish which, in reasonable probability, will be suffered in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in reasonable probability, will be suffered in the future;
- G. Scarring and Disfigurement;
- H. Loss of earnings in the past;
- I. Loss of earnings that, in reasonable probability, Plaintiff will sustain in the future;
- J. Loss of earning capacity in the past; and
- K. Loss of earning capacity that, in reasonable probability, Plaintiff will sustain in the future.

#### **REQUIRED DISCLOSURES**

30. Pursuant to Texas Rules of Civil Procedure 190 and 194, Defendants may be required to make initial disclosures, due within 30 days after the first answer is filed, unless



otherwise agreed or changed by court order.

**INTENT TO USE DEFENDANTS' DOCUMENTS**

31. In accordance with Texas Rules of Civil Procedure 193.7, any documents produced by Defendants in response to written discovery will be used by Plaintiff at any pre-trial proceeding or trial.

**INTENT TO USE U.S. LIFE TABLES**

32. Plaintiff hereby notifies the Defendants of her intent to use U.S. Life Tables as published by the U.S. Government in trial of this matter.

**REQUEST FOR JURY**

33. Plaintiff requests a trial by jury on all issues herein and tenders the appropriate fee at the time of filing of this petition.

34. Plaintiff has met all conditions present to the filing of this lawsuit.

**DESIGNATED ESERVICE EMAIL ADDRESS**

35. The following is the undersigned attorney's designation of electronic service email address for all electronically served documents and notices, filed and unfiled, pursuant to Tex.R.Civ.P. 21(f)(2) & 21(a): [eservice@kastllaw.com](mailto:eservice@kastllaw.com). This is the undersigned's ONLY electronic service email address, and service through any other email address will be considered invalid.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing and trial of this cause, Plaintiff have judgment against Defendants, jointly and severally, for damages for monetary relief over \$250,000 but not more than \$1,000,000 which is within the jurisdictional limits of this

Court; together with pre-judgment interest from the date of injury through the date of judgment at the maximum rate allowed by law; post-judgment interest at the highest legal rate until the time the judgment is paid; costs of court; and such other and further relief to which Plaintiff may be justly entitled at law or in equity.

Respectfully submitted,

**KASTL LAW, P.C.**

/s/ Kristina N. Kastl

**Kristina N. Kastl**

State Bar No. 24025467

Email: [eservice@kastllaw.com](mailto:eservice@kastllaw.com)

Email: [kkastl@kastllaw.com](mailto:kkastl@kastllaw.com)

4144 North Central Expressway, Suite 1000

Dallas, Texas 75204

Phone: (214) 821-0230

Fax: (214) 821-0231

**ATTORNEYS FOR PLAINTIFF**

**\*Please note and document Kastl Law, P.C.'s new eserve address. All future eserve notifications must be served at: [eservice@kastllaw.com](mailto:eservice@kastllaw.com).**

Service is only effectuated if it is served through our [eservice@kastllaw.com](mailto:eservice@kastllaw.com) email. Any other Kastl Law, P.C. email is considered ineffective service.

STATE OF TEXAS }  
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office  
in Dallas, Texas, this 19<sup>th</sup> day of NOV, A.D., 2021

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By *Jimmy Beard* Deputy



FELICIA PITRE  
DALLAS COUNTY DISTRICT CLERK

NINA MOUNTIQUE  
CHIEF DEPUTY

**CAUSE NO. DC-21-15001**

ERICA AUSTIN

vs.

WAL-MART STORES TEXAS, LLC, et al

298th District Court

**ENTER DEMAND FOR JURY**

JURY FEE PAID BY: PLAINTIFF

FEE PAID: \$40.00



STATE OF TEXAS }  
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 19<sup>th</sup> day of NOV, A.D., 2021

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By

Jimmy Beard  
Jimmy Beard

Deputy

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To: WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP  
D/B/A WAL-MART SUPERCENTER #3432  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-3136

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the 298th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **ERICA AUSTIN**

Filed in said Court **11th day of October, 2021** against

**WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP D/B/A  
WAL-MART SUPERCENTER #3432 AND WAL-MART, INC.**

For Suit, said suit being numbered **DC-21-15001**, the nature of which demand is as follows:  
Suit on **PROPERTY** etc. as shown on said petition, a copy of which accompanies this citation.  
If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 19th day of October, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas



By  \_\_\_\_\_, Deputy  
ANGELA CONEJO

**ESERVE**

**CITATION**

**DC-21-15001**

**ERICA AUSTIN**  
vs.

**WAL-MART STORES  
TEXAS, LLC, et al**

**ISSUED THIS  
19th day of October, 2021**

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: ANGELA CONEJO, Deputy

**Attorney for Plaintiff  
KRISTINA N. KASTL**  
KASTL LAW, P.C.

**4144 N. CENTRAL EXPRESSWAY, SUITE 1000  
DALLAS, TEXAS 75204  
214-821-0230  
eservice@kastllaw.com**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-21-15001

Court No. 298th District Court

Style: ERICA AUSTIN

vs.

WAL-MART STORES TEXAS, LLC, et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed at \_\_\_\_\_  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by delivering to the within named \_\_\_\_\_

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

STATE OF TEXAS }  
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this Instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office  
In Dallas, Texas, this 19<sup>th</sup> day of Nov, A.D., 2021

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By Jimmy Beard Deputy



**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: WAL-MART, INC.  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-3136**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org). Your answer should be addressed to the clerk of the **298th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

**Said Plaintiff being ERICA AUSTIN**

**Filed in said Court 11th day of October, 2021 against**

**WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP D/B/A  
WAL-MART SUPERCENTER #3432 AND WAL-MART, INC.**

For Suit, said suit being numbered **DC-21-15001**, the nature of which demand is as follows:  
Suit on **PROPERTY** etc. as shown on said petition, a copy of which accompanies this citation.  
If this citation is not served, it shall be returned unexecuted.

**WITNESS: FELICIA PITRE**, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 19th day of October, 2021.

**ATTEST: FELICIA PITRE**, Clerk of the District Courts of Dallas, County, Texas

By  \_\_\_\_\_, Deputy  
ANGELA CONEJO



**ESERVE  
CITATION**

**DC-21-15001**

**ERICA AUSTIN**

**vs.**

**WAL-MART STORES  
TEXAS, LLC, et al**

**ISSUED THIS  
19th day of October, 2021**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

**By: ANGELA CONEJO, Deputy**

**Attorney for Plaintiff  
KRISTINA N. KASTL**

**KASTL LAW, P.C.**

**4144 N. CENTRAL EXPRESSWAY, SUITE 1000  
DALLAS, TEXAS 75204**

**214-821-0230**

**[eservice@kastllaw.com](mailto:eservice@kastllaw.com)**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-21-15001

Court No.298th District Court

Style: ERICA AUSTIN

vs.

WAL-MART STORES TEXAS, LLC, et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed at \_\_\_\_\_,  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by delivering to the within named \_\_\_\_\_

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation

\$ \_\_\_\_\_

For mileage

\$ \_\_\_\_\_

For Notary

\$ \_\_\_\_\_

of \_\_\_\_\_ County, \_\_\_\_\_  
By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

STATE OF TEXAS }  
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 19<sup>th</sup> day of Nov, A.D., 2021

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By Jimmy Beard Deputy

## CAUSE NO. DC-21-15001

ERICA AUSTIN

§

IN THE COURT OF

§

Plaintiff,

§

VS.

§

DALLAS COUNTY, TEXAS

§

WAL-MART STORES TEXAS, LLC, et al

§

Defendant.

§

298TH DISTRICT COURT

AFFIDAVIT OF SERVICE

"The following came to hand on Oct 19, 2021, 5:05 pm,

## CITATION,

and was executed at 1999 BRYAN ST 900, DALLAS, TX 75201 within the county of DALLAS at 11:19 AM on Mon, Oct 25 2021, by delivering a true copy to the within named

WAL-MART STORES TEXAS, LLC F/K/A WAL-MART STORES TEXAS, LP D/B/A WAL-MART SUPERCENTER #3432 BY  
SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is Troy Hernandez , my date of birth is 23 JUNE 1975, and my address is PO BOX 442, Euless, Tx 76039, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in DALLAS County, State of TX, on October 25, 2021.




---

Troy Hernandez

Certification Number: PSC-16896

Certification Expiration: 30 JUNE 2023



STATE OF TEXAS }  
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this Instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 19<sup>th</sup> day of NOV, A.D., 2021.

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By Jimmy Beard Deputy

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jami Couri on behalf of Kristina Kastl  
Bar No. 24025467  
jcouri@kastllaw.com  
Envelope ID: 58534230  
Status as of 10/26/2021 5:30 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Kristina N.Kastl		eservice@kastllaw.com	10/26/2021 10:05:13 AM	SENT

**Associated Case Party: ERICA AUSTIN**

Name	BarNumber	Email	TimestampSubmitted	Status
Maria Sotelo		msotelo@kastllaw.com	10/26/2021 10:05:13 AM	SENT

## CAUSE NO. DC-21-15001

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IN THE COURT OF

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Plaintiff,

§

VS.

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DALLAS COUNTY, TEXAS

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WAL-MART STORES TEXAS, LLC, et al

§

Defendant.

§

298TH DISTRICT COURT

AFFIDAVIT OF SERVICE

"The following came to hand on Oct 19, 2021, 5:05 pm,

## CITATION,

and was executed at 1999 BRYAN ST 900, DALLAS, TX 75201 within the county of DALLAS at 11:18 AM on Mon, Oct 25 2021, by delivering a true copy to the within named

WAL-MART, INC. BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

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Troy Hernandez

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COUNTY OF DALLAS }

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GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 19<sup>th</sup> day of Nov, A.D., 2021

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By Jimmy Beard Deputy



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Bar No. 24025467  
jcouri@kastllaw.com  
Envelope ID: 58534230  
Status as of 10/26/2021 5:30 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kristina N.Kastl		eservice@kastllaw.com	10/26/2021 10:05:13 AM	SENT

#### Associated Case Party: ERICA AUSTIN

Name	BarNumber	Email	TimestampSubmitted	Status
Maria Sotelo		msotelo@kastllaw.com	10/26/2021 10:05:13 AM	SENT

**CAUSE NO. DC-21-15001**

<b>ERICA AUSTIN</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>v.</b>	§	<b>298<sup>th</sup> JUDICIAL DISTRICT</b>
	§	
<b>WAL-MART STORES TEXAS, LLC F/K/A</b>	§	
<b>WAL-MART STORES TEXAS, LP D/B/A</b>	§	
<b>WAL-MART SUPERCENTER #3432; AND</b>	§	
<b>WALMART, INC.</b>	§	<b>DALLAS COUNTY, TEXAS</b>

**DEFENDANTS' ORIGINAL ANSWER****TO THE HONORABLE JUDGE OF SAID COURT:**


**COMES NOW**, Wal-Mart Stores Texas, LLC f/k/a Wal-Mart Stores Texas, LP d/b/a Wal-Mart Supercenter #3432; and Walmart, Inc., Defendants in the above-entitled and numbered cause, and file this their Original Answer to Plaintiff's Original Petition, and would respectfully show the Court as follows:

**I.**

Defendants generally deny the allegations contained in Plaintiff's Original Petition, demands strict proof thereof, and says this is a matter for jury decision.

**WHEREFORE, PREMISES CONSIDERED**, Defendants pray that upon final hearing hereof, Plaintiff take nothing by this suit, that Defendants recover their costs, and that Defendants have such other and further relief, both at law and in equity, to which it may be justly entitled.

Respectfully submitted,

By: 

**DAVID A. JOHNSON**

Texas Bar No. 24032598

[djohnson@cowlesthompson.com](mailto:djohnson@cowlesthompson.com)

(214) 672-2186

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**STEVEN J. MOSES**

Texas Bar No. 24056014

[smoses@cowlesthompson.com](mailto:smoses@cowlesthompson.com)

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(214) 672-2330

**COWLES & THOMPSON, P.C.**

901 Main Street, Suite 3900

Dallas, TX 75202

(214) 672-2000

(214) 672-2020 (Fax)

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

This is to certify that on the 15<sup>th</sup> day of November 2021, the foregoing was electronically filed with the Clerk of the Court using the e-filing system which will send notification of such filing to all counsel of record.

  
**DAVID A. JOHNSON**

STATE OF TEXAS }  
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 19<sup>th</sup> day of Nov, A.D., 2021

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By Jimmy Beard Deputy



**Automated Certificate of eService**

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Katherine Henderson on behalf of David Johnson  
 Bar No. 24032598  
 khenderson@cowlesthompson.com  
 Envelope ID: 59144347  
 Status as of 11/15/2021 11:39 AM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Kristina N.Kastl		eservice@kastllaw.com	11/15/2021 8:49:40 AM	SENT
David AJohnson		djohnson@cowlesthompson.com	11/15/2021 8:49:40 AM	SENT
Steven JMoses		smoses@cowlesthompson.com	11/15/2021 8:49:40 AM	SENT
Katherine Henderson		khenderson@cowlesthompson.com	11/15/2021 8:49:40 AM	SENT

Associated Case Party: ERICA AUSTIN

Name	BarNumber	Email	TimestampSubmitted	Status
Maria Sotelo		msotelo@kastllaw.com	11/15/2021 8:49:40 AM	SENT